

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

HERBERT G. HEAD

80498-6-10

MAY 31 2016

P.O. Box # 1059

SANTA FE, NEW MEXICO

MATTHEW J. DYKMAN
CLERK

87504

HERBERT HEAD

v.

THE NEW MEXICO CORRECTIONS
DEPARTMENT AND ITS EMPLOYEES

CASE NUMBER # 16CV509

MCA/GJF

WRIT OF HABEAS CORPUS:

I Now move this court to look at and review all of the facts of this matter. As the court can fully see from the states on going Policy of the Department of Corrections. That it's on going Policy concerning Parole is Not Law, but is only a Policy of the Department of Corrections. As is so stated in the Blacks Law Dictionary of words and or all terms. That are to be used in the fundamental review of the on going principles of law. Point in question, the LEGAL DEFINITION of the word: Policy (From the Blacks Law Dictionary) "A definite course of action that is followed by a business, or a state government. that states terms of an action. That is not legally binding by any party.

But is only BEING DECLARED AS A TERM
THAT ALL PARTIES MAY, OR MAY NOT AGREE TO.

HOWEVER AS THIS COURT ALSO KNOWS. THAT
ANY AND GOING POLICY IS NOT A LEGAL OR A
LAWFUL ACTION. THAT CAN THEN BE FULLY USED, OR
SUBSTANTIATED BY ANY ENFORCEMENT FROM ANY
OTHER PARTY. AS TO THE DENIAL OF A GOING
COURT ORDERED PAROLE. AT THE VERY COMPLETION
OF THE SAID COURT ORDERED SENTENCE. THAT NO-
MORE UP, SELF SERVING POLICY BY THE DEPARTMENT
OF CORRECTIONS CAN THEN OVERRIDE, OR OVERULE ANY
PART OF A COURT ORDERED SENTENCE PERTAINING TO
THE SAID PAROLE. THAT WAS SO ORDERED BY A JUDGE
OF THE SAID COURT OF LAW. THAT WOULD THEN EXCLUDE
OR STOP THE INMATE FROM BEING SO RELEASED, AT THE
TERMINATION OF THEIR CONFINEMENT IN STATE PRISON.

AS THE COURT FULLY KNOWS. THAT ANY AND ALL OF
THE CONVICTIONS OR THAT STATES PAROLE: HAS TO BE
SET BY A JUDGE OF THE SAID COURT OF LAW AT THE
TIME OF THE SAID SENTENCE. PAROLE IS NOT A GOING
VERAIBLE IN ANY WAY. THAT THE DEPARTMENT
OF CORRECTIONS CAN THEN FLUCTUATE WITH AS TO THE
TRUE MEANING OF THE VERY WORDS THAT WERE USED
BY THE COURT, AT THE TIME OF THE AGREED UPON
SENTENCING.

HERBERT G. HEAD

80498-6-10

P.O. Box # 1059

SANTA FE, NEW MEXICO

87509

HERBERT G. HEAD

v.

CASE NUMBER #

THE NEW MEXICO DEPARTMENT
OF CORRECTIONS AND ITS EMPLOYEES

DECLARATION OF FACTS:

I DECLARE UNDER THE PENALTY OF PERJURY,
THAT ANY AND ALL THINGS THAT MAY BE SO
STATED IN THIS ACTION, ARE ALL TRUE AND
CORRECT TO THE BEST OF my ABILITY. THAT
THIS IS ALL UNDER THE PENALTY OF PERJURY.

FOR ANY AND ALL THINGS THAT ARE NOT TRUE
IN THIS MOTION OF: HABEAS CORPUS PERTAINING
TO THE LEGALITY OF A MANDATORY APPROVAL
OF AN APPOINTED ATTORNEY FOR my BEING RELEASED OR PAROLE

HERBERT G. HEAD
80498-[#] 6-10
P.O. Box # 1059
Santa Fe, NM. 87504

HERBERT G. HEAD

CASE NUMBER[#]

v.

THE NEW MEXICO CORRECTIONS
DEPARTMENT OF STATE PRISONS
AND ALL OF ITS EMPLOYEES

Points of Authority:
WRIT OF HABEAS CORPUS.

As this court can see from the states on going "Policy" of the Department of Corrections. That this on going Policy is in No Way Law. But is only defined as: A definite course of action that is followed by a business or a state government. That states terms of an action. That is not legally binding by any party. But is only being declared as a term that all partys may or may not agree to. However, A on going Policy is not a legal or a lawful action. That can then be fully substantiated by any enforcement from any other party, or party's as to the denial of a court ordered sentence. That no made up Policy by the Department of Corrections can overrule, overrule any part of a court

ORDER PERTAINING TO PAROLE THAT WAS SO THEN ORDERED BY A JUDGE OF THE SAID COURT THAT WOULD THEN PREVENT THE INMATE FROM BEING RELEASED ON THE TERMINATION OF THEIR CONFINEMENT.

AS THE COURT FULLY KNOWS ANY AND ALL OF THE CONDITIONS OF THE SAID PAROLE UNDER THE LAW HAS TO AND CAN ONLY BE SET BY THE JUDGE OF THE COURT OF LAW. AT THE TIME THAT THE SAID DEFENDANT WAS SO SENTENCED. AS THIS COURT ALSO KNOWS. THAT NO OTHER CONDITION CAN THEN BE PLACED AS PART OF THAT SAID SENTENCE. WHICH IT WAS: NEVER A PART OF THE TERMS OF THE "PLEA AGREEMENT". AS WAS SO DEFINED IN: COLMAN V. U.S.C. USC 2842, 2009: "THAT ONLY A JUDGE OF THE SAID COURT CAN THEN SENTENCE A DEFENDANT TO A TERM OF IMPRISONMENT AND ANY AND ALL TERMS OF THAT SAID AGREEMENT MUST ALSO BE STATED FOR THE RECORD SO THAT ANY CONDITIONS OF THAT SO STATED SENTENCE MUST BE THEN FOLLOWED BY ANY AND ALL PARTIES PERTAINING TO THE AGREED UPON SENTENCE BY ALL PARTIES AT THE TIME OF THAT SAID SENTENCE."

AS THIS COURT ALSO KNOWS. THAT ANY AND ALL WORDS OR TERMS THAT ARE USED BY ANY PARTIES HAS TO HAVE THE SAME MEANING IN A COURT OF LAW. ALL OF THE ORIGIN WORDS THAT ARE SO USED IN THIS WRIT WERE

ALL TAKEN FROM THE: BLACK'S LAW DICTIONARY

IT IS WITH THIS ENLIGHTMENT THAT I NOW
DO REQUEST, THAT THIS COURT ORDER THE DEPARTMENT
OF CORRECTIONS, THAT INMATE HERBERT G. HEAD 80498
BE SO RELEASED ON THE E.P.R.O. DATE OF: SEPTEMBER 17,
2017, THAT THIS RELEASE IS NOT CONTINGENT ON A
PRE APPROVAL OF ANY ADDRESS BY THE DEPARTMENT
OF CORRECTIONS, OR BY ANY POLICY OF THENCE. BUT IS
SOLELY DETERMINED BY THE DAYS OF CONFINEMENT IN
STATE PRISON WITH A HALF TIME, WITH CREDITS RESTORATION.

THAT ON THE TERMINATION OF THE SAID SENTENCE WITH
HALF TIME CREDITS, THAT THE DEPARTMENT OF CORRECTIONS
WILL RELEASE INMATE HEAD ON PAROLE. THAT THIS RELEASE IS
NOT IN ANY WAY CONTINGENT ON ANY ON GOING POLICY OF
OR ANY APPROVAL OF AN ADDRESS, THAT THIS RELEASE IS IN
ACCORDANCE WITH THE COURT ORDER SENTENCE. THAT THE
DEPARTMENT OF CORRECTIONS WILL ADHERE TO THIS COURT
ORDER PERTAINING TO THE E.P.R.O. DATE OF INMATE HEAD'S
CURRENT DATE OF: SEPTEMBER 17, 2017. THAT ON THAT DATE
INMATE HERBERT G. HEAD 80498- WILL BE SO RELEASED
ON PAROLE AND ORDER TO REPORT TO THE PAROLE OFFICE
THE VERY NEXT DAY.

CD-121001

**DESIGNATED STAFF RESPONSE TO INMATE REQUEST FOR LEGAL
ASSISTANCE/MEETING**
REPUESTO AL PRESO POR SU PETICIÓN EN JUNTA O ASISTENCIA LEGAL

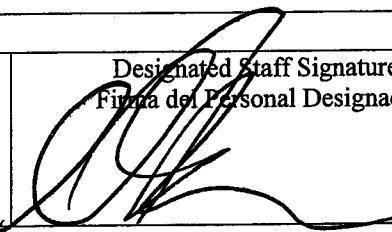
| Inmate Name (Last, First, M.I.) Nombre Del Preso (Apellido, Primer, Inicial del Segundo Nombre) | NMCD Number Número del Preso | Institution/Unit Institución/Unidad |
|---|------------------------------------|--|
| Head, Herbert | 80498 | Level 2 Bunk 610 |

Use the space below to respond to the inmate request for assistance and staple to request.
Usar esta área para responder a la petición del preso para ayuda. Grabar con la petición.

You have asked for "the law that states I have to have an address that is the subject to your approval for my release on parole." While I personally have no power or authority over any aspect of your parole I will attempt to provide you information that I believe you are referring to in your request.

Attached for checkout are: §§31-18-1 through 31-18-26 and 31-21-1 through 31-21-27 N.M.S.A.; and, the indexes for chapters 31 and 33 N.M.S.A. If this is not what you were wishing to review please let me know and I will attempt to assist you further.

Return the above referenced material no later than May 24, 2016.

| Designated Staff's Name (Last, First, M.I.) Nombre del Personal Designado (Apellido, Primer, Inicial del Segundo Nombre) | Designated Staff Signature Firma del Personal Designado | Date Fecha |
|--|--|---------------|
| Shannon, Sean O. |  | 5/10/16 |

Signature of Inmate to acknowledge receipt.
Firma del Preso a confirmar de recibo.

| Inmate's Name (Last, First, M.I.) & Number Nombre del Preso (Apellido, Primer, Inicial del Segundo Nombre) y Número | Inmate Signature Firma del Preso | Date Fecha |
|---|-------------------------------------|---------------|
| Head, Herbert | Mailed via intra prison mail. | 5/10/16 |

HERBERT G. HEAD

80498-C-10

P.O. Box # 1059

SANTA FE, NEW MEXICO 87504

HERBERT G. HEAD

CASE NUMBER "

v.

THE NEW MEXICO DEPARTMENT
OF CORRECTIONS AND ITS EMPLOYEES

ORDER OF THE COURT:

It is the ORDER of this court, that
INMATE: HERBERT G. HEAD (80498) BE SO RELEASED
ON PAROLE ON SEPTEMBER 17, 2017 WITH, OR WITH-
OUT ANY APPROVAL OF ANY ADDRESS BY THE DEPARTMENT
OF CORRECTIONS. THAT HIS BEING RELEASED ON PAROLE IS
IN NO WAY CONFINED TO ANY APPROVAL OF ANY
ADDRESS BY THE DEPARTMENT OF CORRECTION. THAT THIS
WAS NEVER A PART OF THE COURT ORDERED SENTENCE,
OR PART OF THE PLEA AGREEMENT BY ALL PARTIES AT
THE TIME OF THE SAID SENTENCE.

It is so ORDER on this date of:

By the HONORABLE JUDGE:

IN DEPARTMENT #

ON THIS DATE of:

RECEIVED
At Albuquerque NM

Penitentiary of New Mexico
P.O. Box 1059
Santa Fe, New Mexico 87504-1059
No. 5000 Unit 610
Name PENITENT HEAD

MAY 31 2016

MATTHEW J. DYKMAN
Clerk

United States District Court

Office of the Clerk, Suite 270
333 Lomas Blvd. NW

Albuquerque, New Mexico 87102

8710232274 C023